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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 BRUCE BIRCH,

Case No. 3:19-cv-00283-MMD-WGC

7 Plaintiff,

ORDER

8 v.

9 PAMELA DELPORTO, *et al.*,

10 Defendants.  
11

12 **I. DISCUSSION**

13 *Pro Se* Plaintiff Bruce Birch previously filed an application to proceed *in forma*  
14 *pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-  
15 1, 3.) The Court screened the complaint, dismissed the entire complaint, and gave Plaintiff  
16 leave to amend some of the claims. (ECF No. 6.) The Court informed Plaintiff that, if he  
17 did not file an amended complaint within 30 days, the Court would dismiss the entire action  
18 with prejudice for failure to state a claim. (*Id.* at 12.)

19 Plaintiff now files a motion for voluntary dismissal. (ECF No. 8.) Pursuant to Federal  
20 Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by  
21 filing “a notice of dismissal before the opposing party serves either an answer or a motion  
22 for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion  
23 to voluntarily dismiss this action because no responsive pleading has been filed in this  
24 case.

25 **II. CONCLUSION**

26 For the foregoing reasons, it is ordered that Plaintiff’s motion for voluntary dismissal  
27 (ECF No. 8) is granted and the action is dismissed in its entirety.

28 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 3)

1 is denied as moot.

2 It is further ordered that the Clerk of the Court will enter judgment accordingly and  
3 close this case.

4 DATED THIS 8<sup>th</sup> day of April 2020.



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6 MIRANDA M. DU  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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